IN THE HIGH COURT OF UTTARAKHAND
AT NAINIAL

Writ Petition No. 1703 (S/S) of 2003
Old No. 5169 of 1993

1. Nand Ram Mamgain aged about 44 years
   S/o Sri Rudra Dutt Mamgain
   R/o Sri Nagar Construction Division III, Irrigation Department
   Sri Nagar, Garhwal
2. Bhagat Ram Joshi aged about 42 years
   S/o Satya Prasad Joshi
   R/o Sri Nagar Construction Division 8
   Sri Nagar

------- Petitioners

Versus

1. State of U.P. through its Secretary Department of Irrigation, Civil Secretariat, U.P., Lucknow
2. Engineer-in-Chief, Irrigation Department, Uttar Pradesh Lucknow
3. Superintending Engineer, Construction Circle-III Sri Nagar Irrigation Department, Sri Nagar, Garhwal

------- Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Sushil Vashistha, learned counsel for the petitioners and Sri Paresh Tripathi, learned Brief Holder for State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. To issue a writ, order or direction in the nature of certiorari thereby quashing the impugned order dated 30.06.93 passed by opposite party no. 3 as contained in Annexure 9 to the writ petition thereby reverting the petitioners from the post of Senior Clerk to the post of Junior Clerk in the Irrigation Department and also quashing the impugned orders dated

11.1.90 and 28.1.92 passed by opposite party no. 2 as contained in Annexures 10 & 11 the writ petition.

2. To issue a writ, order or direction in the nature of mandamus thereby commanding the opposite parties not to implement the impugned order dated 30.6.93 passed by opposite party no. 3 as contained in Annexure 9 to the writ petition during the pendency and final disposal of present writ petition.

3. To issue a writ, order or direction in the nature of mandamus thereby commanding the opposite parties not to revert the petitioners from the post of senior clerk to the post of Junior Clerk in the Irrigation Department during the pendency & final disposal of present writ petition.

4. To issue a writ, order of direction in the nature of mandamus thereby commanding the opposite parties to allow the petitioners to work & discharge their duties on the post of Senior Clerk in the Irrigation Department and pay them their full and regular salaries and other allowances each & every month as and when the same falls due.

5. To issue a writ, order or direction in the nature of mandamus thereby commanding the opposite parties not to recover the difference in salary which is paid to the petitioners on the post of Senior Clerk w.e.f. 24.12.1998 till the date of passing of impugned order.

6. To issue any other writ, order or direction, which this Hon'ble Court may deem just and proper in the nature & circumstances of the case.

7. To award the cost of this writ petition.

Vide order dated 30th June, 1993 passed by Superintending Engineer, Sri Nagar, Construction Division III, the petitioners were reverted from the post of Senior Assistant to Junior Assistant on

the ground that the names of the petitioners did not find place in the seniority list issued by the department on 24.12.1982. The said order was stayed by the Hon'ble Allahabad High Court on 13.07.1993.

Learned counsel for the petitioners has submitted that thereafter a seniority list has been published by the department and the petitioners have been placed at the proper place and the petitioners are continuously working on the post of Senior Assistant and, in fact, they have been paid the selection grade as well as the promotional pay scale after completion of 14 years of service and the grievance of the petitioners has already been redressed by the department.

In view of the aforesaid situation, no further order is required to be passed as by efflux of time, the writ petition has become infructuous and as such the writ petition is dismissed as infructuous. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

13.08.2007
VKS